



May 30, 2025

**VIA ELECTRONIC MAIL and ECF**

The Honorable Joel H. Slomsky  
 United States District Court  
 Eastern District of Pennsylvania  
 Philadelphia Division  
 5614 James A. Byrne United States Courthouse  
 601 Market Street  
 Philadelphia, PA 19106

[Chambers\\_of\\_Judge\\_Joel\\_H\\_Slomsky@paed.uscourts.gov](mailto:Chambers_of_Judge_Joel_H_Slomsky@paed.uscourts.gov)

**Re: Ploeger v. Penn  
 2:22-cv-02389-JHS  
 Extended Discovery Dispute (ECF 42-53)**

Dear Judge Slomsky,

I write to address Defendant's repeated and intentional failure to comply with its Rule 30(b)(6) obligations. Defendant's deposition testimony (excerpted below) demonstrates an inexplicable refusal to properly investigate its institutional response to critical discovery documents. Plaintiff seeks leave, consistent with the Court's logic in ECF 50 permitting Dr. Shapiro's deposition, to depose Dr. Kozuma and compel production of newly-disclosed but improperly withheld documents.

At the original deposition regarding this Topic 32 ("PENN's actions regarding or in response to the documents found at Bates [numerous specifically identified documents which included, *inter alia*,] D615-619"), Defendant testified that it "did not know" why it failed to investigate what it did regarding or in response to, *inter alia*, D615-619. It then explained that Dr. Susan Shapiro did not work for it anymore, therefore the witness was unable to speak with her about the email. According to Defendant, "I didn't understand my responsibility to extend to communicate with someone who is no longer employed by the University."

At the time of the original motion to compel (ECF 42), Plaintiff sought and paid for an expedited excerpt of the transcript to highlight for the Court Defendant's failure to prepare for the deposition. As discussed in the original motion, the Dr. Shapiro issue was not the sole problem with Defendant's adherence to Rule 30(b)(6). (See ECF 42, ¶ 76, fn. 1). Now that the completed transcript is available, the egregiousness of Defendant's conduct is clearer. As demonstrated in the attached excerpts, Defendant repeatedly refused to contact available employees or former employees with clearly relevant information, offering shifting and inadequate rationalizations."